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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/822,683	03/30/2001	Roger G. Brown	066922.0148	9231
41754	7590	07/28/2006	EXAMINER	
ANDERSON & JANSSON L.L.P. 9501 N. CAPITAL OF TX HWY #202 AUSTIN, TX 78759			DASS, HARISH T	
			ART UNIT	PAPER NUMBER
			3693	

DATE MAILED: 07/28/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/822,683	BROWN ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Harish T. Dass	3693	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 5/1/2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

Claims 23-38 are canceled.

#### ***Election/Restrictions***

1. Newly submitted claims 39-61 are directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: independent claim 39 "presenting a component ..." and claim 42 "defining software objects ..." adds limitations which were not presented in original set of claims, which requires separate search in separate class. Original presentation was for exchange of assets.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 39-61 are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

#### ***Specification***

1. The disclosure is objected to because it contains an embedded hyperlink and/or other form of browser-executable code. Applicant is required to delete the embedded hyperlink and/or other form of browser-executable code. See MPEP § 608.01.

See page 16 of spec line 14, remove the hyperlink.

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 17-20 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Himmelstein (Pub. NO. US 2002/0038278 A1).

Claims 1, 17-20, 22, are rejected under 35 U.S.C. 102(e) as being anticipated by Himmelstein (Pub. NO. US 2002/0038278 A1).

Re. Claim 1, Himmelstein discloses defining first and second assets as digital automated equities comprising objects instantiated with attributes of the assets [paragraph (para.) 0003-0004; 0006-0007];

registering the first and second digital automated equities on a common system exchange as offeror intermediary objects having predetermined attributes [para. 0005; 0008 – see posted order and posted barter order]; and

matching the first and second equities by having one *mediary object comparing* the attributes of the other intermediary objects by calling on the attributes of the other intermediary objects to determine whether the attributes match the exchange price or exchange conditions required by the one intermediary object. [para. 0001; 0008].

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Himmelstein does not explicitly disclose at least one function selected from the set of function, having the .embers (1) the ability to calculate a value given certain assumptions, (2) maintenance of a pedigree of transact on history involving the digital automated equity, (3) an embodiment of variable business logic. (4) an embodiment of variable vocabulary. (5) an ability to declare the identity of the digital automated equity. However, the asserted method of claim is performed regardless of the manner the object is presented because the this object is not used, and only object which are used are intermediary objects. In other words, such limitations as recited in the instant claim are deemed non-functional, and that is the language is not interrelated with the useful acts, see *In re Gulack*.

Re. Claim 17, Himmelstein discloses plural capital exchange offers stored in memory as software an object, each capital exchange offer encapsulating attributes that define a digital automated equity associated with the capital exchange offer, a exchange price for the capital exchange offer and one or more conditions associated with the capital exchange offer, wherein the digital automated equity is a software object associated with an underlying asset [para. 0009-0011; 0045-0046; 0100; page 14 claim 1 - see investment portfolio which in inherent price and attributes].

a match use case that compares attributes of the plural capital exchange offers to determine closeness of the capital exchange offers, one capital exchange offer calling upon a function aspect of a digital automated equity associated with at least one other capital exchange offer to determine the nature of the underlying asset

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corresponding to the at least one other capital exchange offer and the conditions associated with the capital offer [para. 0047; 0055-0056 – see for attributes trading price, timing option, price fluctuation, minimum quantity];

a negotiate transaction use case that supports communication between owners associated with close capital exchange offers to alter attributes in response to a match [para. 0109]; and

a settle transaction use case that supports the exchange of digital automated equities [para. 0067].

Himmelstein does not explicitly disclose a presentation aspect; a functional aspect; a user defined content aspect, wherein: the presentation aspect is a graphical object through which a user can query and manipulate the object; the function aspect comprises operational function operable to execute user requests received through the presentation aspect; and the user defined content provides visible characteristic associated with the user-define content. However, customer interactive software are known which include the above feature. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the disclosure of Himmelstein and include the above feature to make the software presentable and interactive where the user be able to pull the information interactively and the software should be able to present the output on the display to the customer.

Re. Claim 18, Himmelstein discloses wherein the match use case compares attributes by placing stored capital exchange offers in a dormant state and comparing newly initiated (create) capital exchange offers with each dormant capital exchange offer [para. 0030; 0039; 0055 and page 14 claim 1– see database and posted barter order and database inherent storing data].

Re. Claim 19, Himmelstein discloses wherein the barter price of each digital automated equity comprises a type of digital automated equity sought in exchange and wherein the match use case compares the type of digital automated equity type of the barter price of the newly initiated capital exchange offer with the digital automated equity type of the barter price of the dormant capital exchange offers [para. 0039 – see creates a barter, accumulates posted barter and passage of para. 0055 that shows dormant state of the exchange and its activation in future date or two weeks].

Re. Claim 20, Himmelstein discloses wherein the match use case places newly initiated capital exchange offers in a dormant state if no match is found [para. 0030; 0039; 0055 and page 14 claim 1].

Re. Claim 22, Himmelstein discloses further comprising an expire use case that removes capital exchange offers from the dormant capital exchange offers upon

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passage of a predetermined expiration time [para. 0039; 0055].

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2-12, 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Himmelstein in view of ("Sirim to tender out its technology"; Malaysia: Sirim, SKK to Produce Calcium Board; New Straits Times (XAS) 23 Aug 1995 P.23) hereinafter Sirim.

Re. Claims 2, 4, Himmelstein does not explicitly disclose wherein the first asset comprises intellectual capital. However, Sirim discloses this feature to exchange patent rights (intellectual capital) in exchange for equity. Further, patents, Trade Marks, copy rights, license for domain name or frequency, etc. are known as a property of the owner of the title to these properties for predetermined period of time. It would have been obvious to one of ordinary skill in the art at the time the Applicant's invention was made to modify disclosure of Himmelstein and include exchange of intellectual capital for equity, as disclosed by Sirim to setup a joint venture with other company or user to barter (exchange) patent rights (intellectual capital) for equity to benefit from tax may be imposed on other type to barter (exchange) system.



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Re. Claims 5-7, 21 are substantially same as claims 2 or 4, therefore claims 5-7, 21 are rejected with same rational as claims 2 and 4.

Re. Claims 3, 8-12, Himmelstein discloses the second asset comprises financial capital [para. 0007 – see stocks, cash, currency, option, cd, notes, ...], wherein the financial capital comprises a value stated in a national currency [para. 0007 – see stocks, cash, currency, option, cd, notes, ...], wherein the financial capital comprises a security [para. 0007 – see stocks, cash, currency, option, cd, notes, ...], wherein the security comprises warrants [para. 0007 – see stocks, cash, currency, option, cd, notes, ... defined security], wherein the security comprises options [para. 0007 – see stocks, cash, currency, option, cd, notes, ...], and wherein the security comprises stock [para. 0007 – see stocks, cash, currency, option, cd, notes, ...].

Claims 13-16, are rejected under 35 U.S.C. 103(a) as being unpatentable over Himmelstein in view of Powell (Pub US 2004/0220881 A1).

Re. Claim 13, Himmelstein discloses registering the first asset as an offeror intermediary and registering the second asset as an investor intermediary [para. 0005; 0008].

Himmelstein does not explicitly disclose object having segmented information and one

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or more actions associated with the segmented information, and disclosing one or more segments of the proprietary information to the investor mediary upon compliance with one or more of the actions. However, Powell discloses these steps [Abstract; Figures 5a-6b; para. 0010; 0012-0013; 0015] to use the power of Internet to present invention related to electronic contract and implementation of unique business model to manage marketplace for raw ideas. It would have been obvious to one of ordinary skill in the art at the time the Applicant's invention was made to modify disclosure of Himmelstein and include object having segmented information and one or more actions associated with the segmented information, and disclosing one or more segments of the proprietary information to the investor mediary upon compliance with one or more of the actions, as disclosed by Powell to implementation B2B transfers of innovation over the internet to reach potential global user searching for idea.

Re. Claims 14-16 Himmelstein does not explicitly disclose wherein one of the actions comprises execution of a non-disclosure agreement, wherein one of the actions comprises disclosure of proprietary information by the investor mediary, and staged disclosure of plural segments of information upon compliance with plural actions.

However, Powell (Pub US 2004/0220881 A1) discloses these steps [Abstract; Figures 5a-6b; para. 0010; 0012-0013; 0015 -- see also term of agreement which is based on business practice and choice] to allow the novice and expert innovators alike to present confidentially to present their ideas and communicate confidential request for purchase. It would have been obvious to one of ordinary skill in the art at the time the Applicant's

invention was made to modify disclosure of Himmelstein and include wherein one of the actions comprises execution of a non-disclosure agreement, wherein one of the actions comprises disclosure of proprietary information by the investor intermediary, and staged disclosure of plural segments of information upon compliance with plural actions, as disclosed by Powell to implementation B2B transfers of innovation over the internet to reach potential global user using fully disclosed idea or non-disclosing synopsis for interested users according to the terms of the contract.

### ***Conclusion***

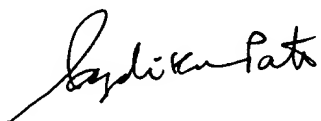
2. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Harish T. Dass whose telephone number is 571-272-6793. The examiner can normally be reached on 8:00 AM to 4:50 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hyung S. Sough can be reached on 571-272-6799. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



**JAGDISH N. PATEL**  
**PRIMARY EXAMINER**

Harish T Dass  
Examiner  
Art Unit 3628

7/10/06